REMARKS

The outstanding Office Action Restriction Requirement requires restriction among claims 104-133. The Office Action states that the claims encompass seven (7) different inventions and has accordingly separated the claims into seven (7) Groups:

Group I: Claims 106, 108-115, 117, 120, 124-127 and 129-131, drawn to a first method to a method to increase or not lessen the collagen synthesis in an individual, classified under Class 424, subclass 777, for example;

Group II: Claims 105, 122-123, 128 and 132-133, drawn to a method to increase or not lessen the collagen synthesis in an individual through administering a composition comprising grape seed extract in a mixture with lycopene and cartilage enzymatic hydrolysate, classified under Class 424, subclass 766, for example;

Group III: Claim 107, drawn to a second method to increase or not lessen the collagen synthesis in an individual comprising administering to said individual a composition comprising extracts from different plants, classified under Class 424, subclass 725, for example;

Group IV: Claim 116, drawn to a third method to increase or not lessen the collagen synthesis in an individual comprising to [sic] said individual a composition comprising cartilage enzymatic hydrolysate, grape seed extract oligomeric procyanidol and lycopene, classified under Class 424, subclass 548, for example;

Group V: Claim 118, drawn to a fourth method to increase or not lessen the collagen synthesis in an individual comprising to [sic] said individual a composition comprising cartilage enzymatic hydrolysate, grape seed extract oligomeric procyanidol, lycopene, *Acerola* extract, microcrystalline cellulose and silicon dioxide, classified under Class 424, subclass 724, for example;

Group VI: Claim 119, drawn to a fourth method to increase or not lessen the collagen synthesis in an individual comprising to [sic] said individual a composition comprising cartilage enzymatic hydrolysate, grape seed extract oligomeric procyanidol, lycopene, *Acerola* extract, inulin, ascorbic acid, zinc gluconate and silicon dioxide, classified under Class 424, subclass 641, for example; and

Group VII: Claim 121, drawn to a method to increase or not lessen the collagen synthesis in an individual through administering to said individual a composition comprising cartilage enzymatic hydrolysate, grape seed extract polyphenolic hydrophilic antioxidant and lycopene constituted in a particular form (e.g., tablet or capsule), classified under Class 424, subclass 400, for example.

(Office Action, pages 2-3.)

Applicants acknowledge that the Office Action identifies claim 104 as a linking claim that links Groups I-III and VII. Therefore, Applicants reserve the right, upon allowance of claim 104, to have the restriction among the linked inventions withdrawn and to have examined any claims depending from or otherwise including all the limitations of claim 104.

Applicants herewith elect, with *traverse*, Group I, which, according to the Office Action, covers claims 106, 108-115, 117, 120, 124-127 and 129-131, drawn to, according to the Office Action, "a first method to a method to increase or not lessen the collagen synthesis in an individual." (Office Action, page 2.)

In accordance with the Examiner's request to identify a listing of clams that are readable on the elected invention, *see* Office Action, page 4, Item 11, Applicants submit that claims 106, 108-115, 117, 120, 124-127 and 129-131 are readable on the elected invention, with the proviso that the inventions covered by the remaining pending claims, while patentably distinct from the invention identified by the Office Action as Group I, are related to Group I by subject matter.

Applicants respectfully urge that the Restriction Requirement set forth in the instant Office Action is improper, as it does not establish that searching all the inventions would constitute a serious burden on the U.S. Patent and Trademark Office (the "USPTO"). Accordingly, Applicants submit that the Restriction Requirement is improper and should be withdrawn or at least modified.

According to the MPEP, when claims can be searched and examined together without serious burden, the USPTO must examine the claims on the merits even though they are directed to independent or distinct inventions. *See* MPEP at § 803, 800-4 (8th ed., rev. no. 4). To establish that a "serious burden" would exist for co-examination of claims, the USPTO must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search. *See* MPEP at § 808.02, 800-51 to 52 (8th ed., rev. no. 4).

Applicants respectfully submit that it would not constitute a serious burden to examine the inventions of Groups I-VII together. The inventions of Groups I-VII, while patentably distinct from each other, are related to each other by subject matter. Indeed, all of Groups I-VII involve a method of increasing collagen synthesis or lessening the decrease in collagen synthesis in the dermis comprising orally administering a composition comprising at least one

glycosaminoglycan, polyphenolic, hydrophilic antioxidant and lycopene. Moreover, *all* of Groups I-VII are classified in the same Class 424. Clearly, then, a search of one restricted Group is likely to provide a substantial portion of the search of the other restricted Group.

Therefore, it certainly would not constitute a serious burden to search all of Groups I-VII together, as the seven (7) Groups are clearly related to each other by subject matter.

Furthermore, Applicants respectfully submit that, in addition to linking Groups I-III and VII, claim 104 links Groups IV-VI because Groups IV-VI are related to Groups I-III and VII and related to claim 104 by subject matter in view of the above remarks and particularly in view of the fact that Groups IV-VI all involve glycosaminoglycan, polyphenolic, hydrophilic antioxidant and lycopene, which are components recited in claim 104. Therefore, Applicants respectfully request the Examiner to withdraw the restriction as it relates to Groups IV-VI upon allowance of claim 104 and examine any claims from Groups IV-VI that depend from or otherwise include all the limitations of claim 104.

In view of the above remarks, it is respectfully requested that the Restriction Requirement be reconsidered, that Groups I-VII be recombined and that all of pending claims 104-133 be allowed to be prosecuted in the same patent application.

CONCLUSION

Applicants maintain that the Restriction Requirement is improper and that all pending claims, *i.e.*, claims 104-133, should be examined for patentability. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' representatives, in person or over the telephone, we would welcome the opportunity to do so.

Applicants believe that no fees are due for entry of the instant Response. However, in the event the USPTO determines that any fees are due for entry of the instant Response, the Commissioner is hereby authorized to charge additional fees or credit any overpayment to **Deposit Account No. 50-0206**.

Respectfully submitted,

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Dated: April 28, 2006 By: _____

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